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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,997	02/28/2002	Frank-Peter Lang	2001DE408	1070

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EXAMINER	
DELCOTTO, GREGORY R	

ART UNIT	PAPER NUMBER
1751	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,997	LANG ET AL.	
	Examiner	Art Unit	
	Gregory R. Del Cotto	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) *12-15* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☒ Claim(s) *11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending. Applicant's amendments and arguments filed 5/5/05 have been entered.

Newly submitted claims 12-15 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 12-15 are drawn to a method for inhibiting dye transfer in washing dyed textiles, said method comprising contacting the dyed textiles which is materially different and patentably distinct from originally submitted claims which were drawn to a laundry detergent composition. Claims 12-15 would require a separate search due to their separate classification which would place an undue burden on the Examiner.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Objections/Rejections Withdrawn

The following objections/rejections as set forth in the Office action mailed 4/13/04 have been withdrawn:

All prior art rejections previously made using Moorfield et al (US 2004/0023836) have been withdrawn due to filing of certified translations of the priority documents.

The rejection of claims 1-9 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/085712 has been withdrawn.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767.

'767 teaches a laundry and laundry detergent composition which comprise a fabric enhancement system which comprises one or more polyamines and a transition metal-containing dye protection system which comprises an oligomer formed from the

reaction of an imidazole and a crosslinking agent, preferably epichlorohydrin. See Abstract. Note that, epihalohydrins (epichlorohydrin) can be used directly the polyamine units to form a polymer. See page 10, lines 1-20. Additionally, the compositions may contain adjunct ingredients builders, soil release polymers, dye transfer agents, enzymes, suds suppressers, hydrolysable surfactants, chelants, etc. See page 4, lines 1-25. Suitable surfactants include anionic, cationic, nonionic, zwitterionic surfactants, etc. See page 17, lines 40-50.

'767 does not specifically a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of '767 suggest a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims.

Claims 1, 2, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US 4,634,544).

Weber et al teach improved detegent compositions for colored fabrics containing an acylcyanamide salt and a water-soluble organic polymer whose monomers have more than one amino group, and which are substantially or completely free of strong electrolytes. See Abstract. Suitable polyamines are adducts or condensates of polyfunctional aliphatic amines and compounds containing several reactive groups, for example epichlorohydrin of alkylene halides. See column 2, lines 10-30. Nonionic surfactants can be used in the composition. See column 5, lines 1-69. Additionally, the compositions may contain a builder such as citric acid. See column 7, lines 40-69. Bleaches may also be included in the compositions such as sodium perborate, sodium carbonate perhydrate, etc. See column 8, lines 30-69. Enzymes such as proteases, lipases, and amylases may also be used in the compositions. See column 9, lines 1-30.

Weber et al do not specifically a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of Weber et al suggest a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the

other requisite components of the composition in the specific proportions as recited by the instant claims.

Claims 1-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panandiker et al (US 6,596,678).

Panandiker et al teach detergent compositions containing a detersive surfactant system, a polyelectrolyte complex of cationic and anionic polymers, an inorganic peroxygen bleaching compound and a bleach activator. The complex is prepared by reacting at least one amine and a crosslinking agent selected from epihalohydrins, and anionic compounds containing at least three anionic groups. See column 9, lines 25-45. Additionally, the detergent compositions may contain from 1% to 80% by weight of a detersive surfactant such as anionic, nonionic, zwitterionic, ampholytic or cationic. Builders may also be used in the compositions. Additionally, optional ingredients such as enzymes, anticorrosion agents, bleaching agents, soil suspending agents, soil release agents, solvents, etc. may be added to the compositions. See column 11, line 1 to column 12, line 45. Suitable enzymes include proteases, amylases, lipases, etc.

Panandiker et al do not specifically a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims, with a

reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of Panandiker suggest a detergent composition containing the specific dye-transfer-inhibiting dye fixatives in addition to the other requisite components of the composition in the specific proportions as recited by the instant claims.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/00767 as applied to claims 1-7, and 10 above, and further in view of Panandiker et al (US 6,596,678).

'767 is relied upon as set forth above. However, neither reference teaches the use of cellulase enzymes or bleaches in addition to the other requisite components of the composition as recited by the instant claims.

Panandiker et al are relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a cellulase enzyme in the compositions taught by '767 with a reasonable expectation of success, because Panandiker et al teach the use of cellulase enzymes in a similar detergent composition and further, '767 teach the use of enzymes in general.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a bleaching agent in the compositions taught by '767 with a reasonable expectation of success, because Panandiker et al teach the use of bleaching agents in a similar detergent composition and, further, '767 teach the inclusion of various optional ingredients which would encompass bleaching agents.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Panandiker et al (US 6,596,678) as applied to claims 1-5 and 7-10 above, and further in view of WO 01/00767.

Panandiker et al are relied upon as set forth above. However, Panandiker et al do not teach the use of a dye transfer inhibitor in addition to the other requisite components of the composition as recited by the instant claims.

'767 is relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a dye transfer inhibitor in the cleaning composition taught by Panandiker et al, with a reasonable expectation of success, because '767 teaches the use of dye transfer inhibitors in a similar detergent composition and, further, Panandiker et al teach the inclusion of optional ingredients which would encompass dye transfer inhibitors.

Allowable Subject Matter

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references of record, alone or in combination, teach or suggest a specific dye fixative as recited by instant claim 11.

Response to Arguments

With respect to '767, Weber et al, or Panandiker et al, Applicant states that none of these references disclose the claimed invention which requires a specific dye fixative

and optionally, numerous other components. In response, note that, the Examiner asserts that each of '767, Weber et al, or Panandiker et al suggest polymers which contain amines or amine monomers in combination with epichlorohydrin which are the same as the polymers recited by the instant claims. Further, Applicant states that the specification provides data showing the unexpected and superior properties of the claimed invention over compositions falling outside the scope of the instant claims. In response, note that, the data provided is not commensurate in scope with the claimed invention which shows the dye fixative in combination with various different ingredients. Additionally, it appears that these results show what one would reasonably expect and are not unexpected and superior.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
April 4, 2004